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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,234	01/02/2004	Dileep Kumar Panjwani	SEC-2	1162
36378	7590	12/15/2008		
VMWARE, INC. DARRYL SMITH 3401 Hillview Ave. PALO ALTO, CA 94304			EXAMINER DINH, MINH	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 12/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/751,234

Applicant(s)

KUMAR PANJWANI, DILEEP

Examiner

MINH DINH

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed 09/11/2008. Claim 12 has been amended; claims 16-19 have been cancelled.

Response to Arguments

2. Applicant's arguments filed 09/11/08 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the IMDS of Roesch does not **determine whether packets are intrusions**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 12 recites intrusion detection in general, and a broad and reasonable interpretation of intrusion detection reads on detecting whether intrusions have occurred and/or identifying the intruders. Roesch (US 7,240,368) discloses that the IMDS of performs both of these tasks using a processing engine having a processing procedure that detect intrusions (i.e., daemon cron 78 detects that intrusions have occurred if new logs are created or logs change sizes, and identifies the source of the packets) (col. 8, lines 1-52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Roesch et al. (U.S. Patent No. 7,240,368) in view of Shukla (U.S. PG-PUB 2002/0042875).

As per claim 12, Roesch substantially teaches a method for preventing intrusions to a computer system, comprising:

using a network-based appliance to intercept data packets (fig. 2, Router item 20, 6:58-7:10);

deciding whether to forward the intercepted packets or whether to route the intercepted packets to a virtual proxy (6:58-7:10, wherein the IMDS 65 is the virtual proxy);

performing TCP or UDP processing on the intercepted packets before routing them to the virtual proxy (5:43-6:06);

using the virtual proxy to analyze the packets that have been routed to the virtual proxy to detect intrusions using a processing engine having a processing procedure that detects intrusion (i.e., daemon cron 78 detects that intrusions have occurred if new logs are created or logs change sizes, and identifies the source of the packets) (8:01-52).

Kim fails to teach using the virtual proxy to direct a transport layer to modify packets. However, Shukla discloses modifying packets at the transport layer (paragraphs 0056 and 0087). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the transport layer in order in order to protect the packet from NATs as taught by Shukla (paragraph 0056).

As per claims 13 and 14, Shukla further teaches modifying data in the packets at specified locations and removing data from the packets (paragraphs 0053-0057).

As per claim 15, Kim further teaches sending a packet stream modification request from an active network-based appliance to a standby network-based appliance to support fault tolerance (7:11-8:23, wherein the IDMS is the standby appliance since, if an attack is detected, the IDMS is affected, but the rest of the active network, remains in tact).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH DINH whose telephone number is (571)272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MD/
Minh Dinh
Examiner
Art Unit 2432

12/07/08

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2432